

IN THE HIGH COURT OF GUJARAT AT AHMEDABAD

CRIMINAL MISC.APPLICATION No 6636 of 2000

For Approval and Signature:

Hon'ble MR.JUSTICE D.H.WAGHELA

- =====
1. Whether Reporters of Local Papers may be allowed to see the judgements? : NO
 2. To be referred to the Reporter or not? : NO
 3. Whether Their Lordships wish to see the fair copy of the judgement? : NO
 4. Whether this case involves a substantial question of law as to the interpretation of the Constitution of India, 1950 of any Order made thereunder? : NO
 5. Whether it is to be circulated to the Civil Judge? : NO

KANUBHAI VELJIBHAI DOMADIYA

Versus

STATE OF GUJARAT

Appearance:

MR YOGESH S LAKHANI for Petitioners

MR KC SHAH for Respndent No. 1

CORAM : MR.JUSTICE D.H.WAGHELA

Date of decision: 16/11/2000

ORAL JUDGEMENT

#. Rule. learned A.P.P. Mr.K.C.Shah, for the State waives the service. Heard learned counsel Mr.Y.S.Lakhani, for the petitioner and learned A.P.P.Mr.K.C.Shah, for the State.

#. On instruction from the petitioners communicated through Shri Vijaybhai .K. Domadiya - the son of petitioner no.1, the learned counsel for the petitioners makes a statement that the petitioners have already paid, by installments approximately a total sum of Rs.78,000/-. That the remaining amount due shall be paid by the petitioners to the Mamlatdar, Junagadh pursuant to the order of confiscation mentioned in the complaint registered as CR No.II-262/1999 before Junagadh City "B" Division Police Station, within six months from today. It is further stated that a personal bond on affidavit to the effect that the remaining amount due shall be paid by the petitioners within six months shall be filed before the Mamlatdar, Junagadh on or before 30.11.2000. It is also stated that the solvency certificate shall also be furnished to the Mamlatdar alongwith the personal bond.

#. On this statement and under the facts and circumstances of the case, the petitioners are ordered to be released on bail on the following conditions without prejudice to the right of the State to recover amount due in accordance with the law. The petitioners shall be released on bail in connection with Crime Register No.II-262/1999 of Junagadh City Police Station on their executing a bond of Rs.5,000/- (Rupees Five Thousand Only) with one solvent surety of the like amount to the satisfaction of the Lower Court and subject to the conditions that they shall.

- a) not take undue advantage of their liberty or abuse their liberty;
- b) not act in a manner injurious to the interest of the prosecution;
- c) maintain law and order;
- d) not leave the local limits of territory of Gujarat without prior permission of the Sessions Judge at Junagadh.
- e) surrender their Passport, if any, to the lower court within a week.

#. If breach of any of the above conditions is committed, the Sessions Judge at Junagadh will be free to issue warrant or take appropriate action in the matter.

#. Bail before the lower Court having jurisdiction to try the case.

#. The police officer shall not cause the applicant/s to wait unnecessarily, but will make the applicant/s free at the earliest.

#. Rule is made absolute. Direct service is permitted.

Date : 16.11.2000 (D.H. WAGHELA, J.)

kks